

App. No.: 10/800,608
Amdt. Dated: August 16, 2007
Reply to Office action on May 18, 2007

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attendee International Specialty Supply on its website. See Second Affidavit of Stephen T. Carney attached hereto and incorporated herewith. This publication of the Study did also occur within one year of our filing this Patent application and is not considered prior art.

The Muldoon Article Argument. Your second basis for rejecting our application is based on your allegation that an article written by Ms. Muldoon describing the food intake of a particular athlete which included the use of alfalfa powder is prior art.

*Argument
Refuted :-*


This rejection fails on two parts. First, there is no connection made in the article between the intake of alfalfa powder and lowering the high risk factors of cardiovascular disease as set out in our Patent Application. Second, our Patent Application is based on specially prepared alfalfa sprout powder (emphasis added) which is very different from powder made from fully matured alfalfa. In short, the Muldoon article shows no prior art that usurps the claims made in our Patent Application and is not a basis for rejection.

Conclusion

We formally request that you rescind your final rejection of our Patent Application and proceed with its publication and allowance. In a phone conversation between Ms. Leith, her supervisor, Mr. Carney and Mr. Vultaggio the above reasons for rejection for prior use were successfully refuted and we have provided your office with substantial proof in the form of affidavit evidence supporting said arguments. Therefore you should proceed appropriately with the allowance of the Patent Application.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully,


Stephen Truesdale Carney